



***United States–Spain Treaties in Force,
January 1, 2009***

**Agreement Confirming the Bilateral Arrangements for a
Facilities Assistance Program Pursuant to the Mutual
Defense Assistance Agreement of September 26, 1953.
Supplementary Agreement**

**Agreement effected by exchange of notes
Signed at Madrid September 17, 1956
Entered into force September 17, 1956.**

TIAS 3658



*United States-Spain Treaties in Force,
January 1, 2009*

MUTUAL DEFENSE ASSISTANCE
Facilities Assistance Program

STATUS:

Agreement between the UNITED STATES OF AMERICA and SPAIN
Effectuated by Exchange of Notes Signed at Madrid April 9, May 11 and 19, 1954
Entered into force May 19, 1954

TEXT:

The American Ambassador to the Spanish Minister of Foreign Affairs

NOTE VERBALE

No. 358

The Ambassador of the United States of America presents his compliments to His Excellency, the Minister of Foreign Affairs of the Government of Spain, and has the honor to transmit herewith a paper entitled "PROPOSED BILATERAL ARRANGEMENTS FOR FACILITIES ASSISTANCE PROGRAM".

It is the desire of the United States Government to conclude an agreement with the Government of Spain for the purpose stated in the attached paper, namely to assure the participation of the Spanish Government in the Facilities Assistance Program which is intended to increase the capacity of friendly western European countries to produce propellants and explosives.

It may be recalled that a team of United States ordnance specialists visited Spain in November 1953 to make a survey, in collaboration with the Spanish Ministry of the Army, of factories producing propellants and explosives. As a result of the survey, certain facilities existing in Spain have been considered as potentially suitable to benefit from any funds which might be made available to Spain under the Facilities Assistance Program, when and as a mutually satisfactory agreement shall have been concluded between Spain and the United States.

The Embassy would appreciate being informed as to whether the Government of Spain desires to conclude an agreement relating to the terms of participation in such a program should funds become available. In the event that the reply of the Spanish Government is in the affirmative, the Embassy of the United States would welcome the views of the Spanish Government with regard to the attached paper entitled "Proposed Bilateral Arrangements for Facilities Assistance Program" as a basis for discussions.

MADRID, April 9, 1954



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Enclosure:

Paper entitled

"Proposed Bilateral Arrangements for

Facilities Assistance Program".

**PROPOSED BILATERAL ARRANGEMENTS FOR FACILITIES ASSISTANCE
PROGRAM**

EXCELLENCY:

I have the honor to refer to recent discussions between representatives of our two Governments concerning a special program of facilities assistance by the Government of the United States to the Government of Spain to be carried out in accordance with the principles and conditions set forth in the Mutual Defense Assistance Agreement between our two Governments, dated September 26, 1953 (1) as supplemented by an exchange of notes dated September 26, 1953, (1) and such other applicable agreements as may be in force between our two Governments. The purpose of this program is to increase the capacity of Spain to produce propellants and explosives, such increased capacity being urgently needed for the development and maintenance of Spain's own defensive strength and the defensive strength of the free world.

NOTES

(1) Treaties and Other International Acts Series 2849; 4 UST 1876.

As a result of these discussions, the following understandings were arrived at:

1. The Government of Spain undertakes that in connection with the facilities assistance to be furnished by the United States:
 - a. It will not discriminate in the sale of propellants and explosives against any North Atlantic Treaty country in terms of the price charged, the quality made available, delivery dates, or in any other manner.
 - b. It will maintain the additional facilities made available through United States assistance so that they will be in a condition to produce propellants and explosives promptly when they may be required; but pending such time, equipment furnished by the United States and such additional facilities may be used for other purposes, provided such use will not interfere with the ready availability of such equipment and facilities for the production of propellants and explosives.



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- c. It will furnish all of the land, buildings, equipment, materials, and services required for the additional production facilities, except for the equipment and technical advice to be furnished by the Government of the United States, and will take whatever measures are required to accomplish the increase in production facilities envisaged in the program.
2. It is mutually understood that the appropriation of funds by the United States Congress for the Facilities Assistance Program was for the purpose of assisting in the creation of a net addition to European ammunition production capacity. In furtherance of this purpose, the Government of Spain undertakes that, in addition to the new facilities provided for hereunder, it will maintain or cause to be maintained in useable condition a total production capacity for propellants and explosives which shall be not less than the aggregate of that now existing and that already programmed for construction in Spain, whether under private or public ownership.
3. The undertakings in paragraph 1 (b) and in paragraph 2 with respect to the maintenance of facilities is subject to the understanding that should changed conditions make continued compliance with this undertaking either unnecessary as a matter of defense or unfeasible, the Spanish Government may, after consultation with the United States Government, modify this undertaking to accord with such changed conditions.
4. The Government of the United States will, subject to the terms and conditions of any applicable United States legislation, furnish to the Government of Spain such production equipment and technical advice as may be mutually arranged as provided in paragraph (5) hereof.
5. In carrying out the facilities assistance program, our two Governments, acting through their appropriate contracting officers, will enter into supplementary arrangements covering the specific projects involved, which will set forth the nature and amounts of the contributions to be made by the Government of the United States and the Government of Spain, the description and purpose of the facilities to be established, and other appropriate details. Such arrangements may include provisions for the procurement of equipment to be furnished by the United States Government from the Government of Spain under the offshore procurement program, and the transfer of such equipment to the Government of Spain in accordance with the provisions of the Mutual Defense Assistance Agreement.

I propose that if these understandings meet with the approval of the Government of Spain, the present note and your note in reply shall be considered as constituting a confirmation of these arrangements pursuant to Article I, Paragraph 1 of the Mutual Defense Assistance Agreement between our two Governments.

MADRID, April 8, 1954.



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The Spanish Minister of Foreign Affairs to the American Ambassador

MINISTERIO DE ASUNTOS EXTERIORES

D.3

NUM. 348

MADRID, 11 de mayo de 1954.

EXCMO. SEÑOR:

MUY SEÑOR MÍO: Tengo la honra de acusar recibo a V.E. de su Nota Verbal número 358, de fecha 9 de abril último, así como del documento adjunto a la misma, titulado "Propuesta de Acuerdos Bilaterales para un Programa de Ayuda para Instalaciones", en la que me comunica el deseo de su Gobierno de concertar con el de España un Acuerdo para asegurar la participación de mi país en el Programa de Ayuda para Instalaciones destinado a incrementar la capacidad de los países amigos del Occidente de Europa en la producción de pólvoras y explosivos.

En su respuesta, tengo la honra de participar a V.E. que el Gobierno español estaría dispuesto a concertar con el Gobierno de los Estados Unidos un Acuerdo como el que me propone, y tomar como base de negociación del mismo el documento que venia adjunto a la Nota que tengo la honra de contestar a V.E.

Aprovecho esta oportunidad, Señor Embajador, para reiterar a V.E. el testimonio de mi alta consideración

Translation

MINISTRY OF FOREIGN AFFAIRS

D. 3

No. 348

MADRID, May 11, 1954.

EXCELLENCY:

I have the honor to acknowledge receipt of Your Excellency's note verbale No. 358, dated April 9, 1954, as well as the document enclosed therewith, entitled "Proposed



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Bilateral Arrangements for a Facilities Assistance Program", in which you inform me of your Government's desire to conclude with that of Spain an agreement to ensure the participation of my country in the Facilities Assistance Program to increase the capacity of friendly Western European countries to produce propellants and explosives.

In reply, I have the honor to inform Your Excellency that the Spanish Government is prepared to conclude with the Government of the United States an agreement such as the one you propose to me, and to take as a basis for its negotiation the document enclosed with the note which I have the honor to answer.

I avail myself of this opportunity, Mr. Ambassador, to renew to Your Excellency the assurance of my high consideration.

The Spanish Minister of Foreign Affairs to the American Ambassador

MINISTERIO DE ASUNTOS EXTERIORES

NUM. 385

MADRID, 19 de mayo de 1954.

EXCMO. SEÑOR:

MUY SEÑOR MIO: Como continuación a mi Nota No 348, de 11 del actual y con referencia a la de V.E. No 358, de 9 de abril ultimo, relativas ambas a la participación de España en el Programa de Ayuda para Instalaciones en el Occidente de Europa, destinado a incrementar la capacidad de producción de pólvoras y explosivos de los países amigos y habiendo este Ministerio recibido la conformidad de las autoridades militares competentes al proyecto anejo a la comunicación citada de V.E., tengo la honra de confirmar que el Gobierno español esta conforme en concertar un acuerdo a los efectos expresados.

Por tanto y según lo previsto en el apartado 1o articulo 1o del Convenio relativo a la Ayuda para la Mutua Defensa, firmado en 26 de septiembre del pasado año entre nuestros dos Gobiernos y de acuerdo con lo expresado en la repetida Nota de V.E. de 9 de abril, significo a V.E. que su citada Nota y esta presente mía deben considerarse como expresión de la conformidad de ambas partes en dar su aprobación definitiva al Acuerdo anejo a su escrito y cuyo texto español adjunto ha de considerarse como autentico.



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Aprovecho esta oportunidad, señor Embajador, para reiterar a V.E. el testimonio de mi alta consideración.

TRADUCCION

PROPUESTA DE ACUERDOS BILATERALES PARA UN PROGRAMA DE AYUDA PARA INSTALACIONES.

EXCMO. SEÑOR:

Tengo la honra de referirme a recientes conversaciones mantenidas entre representantes de nuestros dos Gobiernos, relativas a un Programa Especial de Ayuda para Instalaciones por el Gobierno de los Estados Unidos al Gobierno de España, que se cumplimentaría de acuerdo con los principios y condiciones establecidos en el Convenio relativo a la Ayuda para Mutua Defensa entre nuestros dos Gobiernos, fechado el 26 de Septiembre de 1953, y complementado por un intercambio de Notas de fecha 26 de Septiembre de 1953 y por aquellos otros Acuerdos aplicables que puedan estar vigentes entre nuestros dos Gobiernos. El propósito de este Programa es el de incrementar la capacidad de España para producir pólvoras y explosivos, ya que se necesita urgentemente tal capacidad incrementada para el desarrollo y mantenimiento de la propia fuerza defensiva de España y de la fuerza defensiva del mundo libre,

Como resultado de estas conversaciones, se ha llegado al siguiente entendimiento:

1.-El Gobierno de España se compromete, en relación con la Ayuda para Instalaciones que ha de ser prestada por los Estados Unidos:

- a) A no establecer discriminación en la venta de pólvoras y explosivos frente a ningún país del Tratado del Atlántico Norte con relación al precio que se exige, calidad que se facilita, fechas de entrega, o en cualquier otra forma.
- b) A mantener las instalaciones adicionales de que disponga en virtud de la Ayuda que, a tal respecto, le faciliten los Estados Unidos, de forma que estén en situación de producir pólvoras y explosivos rápidamente, cuando se necesiten; pero, hasta ese momento, el equipo facilitado por los Estados Unidos y las referidas instalaciones adicionales podrán ser utilizados para otros fines, a condición de que esta utilización no interfiera con la pronta disponibilidad de tal equipo e instalaciones para la producción de pólvoras y explosivos.
- c) A facilitar todos los terrenos, edificios, equipos, materiales y servicio que sean necesarios para las instalaciones adicionales de producción, excepto en lo que se refiera al equipo y al asesoramiento técnico, que facilitará el Gobierno de los Estados



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Unidos, y a tomar cualesquiera medidas que sean precisas para alcanzar el incremento en las instalaciones de producción previsto en el Programa.

2.-Queda mutuamente entendido que la asignación de fondos por el Congreso de los Estados Unidos para el Programa de Ayuda para Instalaciones se efectuó con el propósito de ayudar a crear un aumento efectivo en la capacidad europea de producción de municiones. Para facilitar la realización de este fin, el Gobierno de España se compromete a que, además de las nuevas instalaciones previstas en estos Acuerdos, mantendrá o hará mantener, en condiciones de utilización, una capacidad de producción total de pólvoras y explosivos no inferior al total de la que actualmente existe, mas aquella ya prevista para su realización en España, bajo propiedad oficial o privada.

3.-Los compromisos expresados en el párrafo 1 (b) y en el párrafo 2, respecto al mantenimiento de instalaciones, son a reserva de que, si un cambio en las condiciones hiciese innecesario el cumplimiento continuado de este compromiso en materia de defensa, o impracticable, el Gobierno español podrá, después de consulta con el Gobierno de los Estados Unidos, modificar este compromiso para adaptarlo a dichos cambios de condiciones.

4.-El Gobierno de los Estados Unidos suministrará al Gobierno de España, a reserva de los términos y condiciones de cualquier legislación aplicable de los Estados Unidos, los medios de producción y el asesoramiento técnico que puedan ser mutuamente acordados, de conformidad con el párrafo 5 de este documento.

5.-Al desarrollar el Programa de Ayuda para Instalaciones, nuestros dos Gobiernos, actuando por medio de sus funcionarios contratantes competentes, concertarán Acuerdos suplementarios que cubran los proyectos detallados en cuestión, que expresarán la naturaleza y cantidad de las aportaciones que deberán hacer el Gobierno de los Estados Unidos y el Gobierno de España, la descripción y el propósito de las instalaciones a establecer, y otros detalles apropiados. Estos Acuerdos podrán incluir disposiciones para el suministro de equipo a entregar por el Gobierno de Estados Unidos procurado del Gobierno de España conforme al programa de suministros "offshore", y la transferencia de dicho equipo al Gobierno de España conforme a las disposiciones del Convenio relativo a la Ayuda para la Mutua Defensa.

Propongo que si lo expuesto es aprobado por el Gobierno de España, la Nota presente y su Nota de respuesta sean consideradas como constituyendo una confirmación de estos Acuerdos, conforme al Artículo I, párrafo 1 del Convenio relativo a la Ayuda para la Mutua Defensa entre nuestros dos Gobiernos.

MADRID, 8 de Abril de 1954.



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Translation

MINISTRY OF FOREIGN AFFAIRS

No. 385

MADRID, May 19, 1954.

EXCELLENCY:

With reference to my note No. 348 of the 11th of this month and to Your Excellency's note No. 358 of April 9, 1954, both relating to Spain's participation in the Facilities Assistance Program for Western Europe to increase the capacity of friendly countries to produce propellants and explosives, since this Ministry has received the agreement of the competent military authorities to the draft enclosed with Your Excellency's aforementioned communication, I have the honor to confirm that the Spanish Government is prepared to conclude an agreement for the purposes stated.

Therefore, pursuant to paragraph 1, Article 1, of the Mutual Defense Assistance Agreement, signed by our two Governments on September 26, 1953, and in accordance with the contents of Your Excellency's note of April 9, I wish to inform Your Excellency that your note and this reply are to be regarded as expressing the willingness of both parties to give their definitive approval to the arrangement enclosed with your communication, the attached Spanish text of which must be considered authentic. (1)

NOTES

(1) For the English language text of the arrangements, see ante, p. 2379.

I avail myself of this opportunity, Mr. Ambassador, to renew to Your Excellency the assurance of my high consideration.

SIGNATORIES:

[SEAL]

ALBERTO MARTIN ARTAJO

Excmo. Sr. JAMES CLEMENT DUNN

Embajador Extraordinario y Plenipotenciario de los Estados Unidos de América
Madrid.-

[SEAL]



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ALBERTO MARTIN ARTAJO

His Excellency

JAMES CLEMENT DUNN,

Ambassador Extraordinary and Plenipotentiary of the United States of America,
Madrid.

ALBERTO MARTIN ARTAJO

Excmo. Señor JAMES CLEMENT DUNN,

Embajador de los Estados Unidos de América.-

ALBERTO MARTIN ARTAJO

His Excellency JAMES CLEMENT DUNN,

Ambassador of the United States of America.